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FEB 02 2005

Docket No.: 408-001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Enrique Molina )  
Serial No.: 09/995,486 ) Art Unit 3635  
Filed: November 28, 2001 ) Examiner:  
For: BUILDING CONSTRUCTION SYSTEM ) Steven Varner

The Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Via Facsimile Transmission*  
*(703) 305-7687*  
*February 2, 2005*

**PRELIMINARY RESPONSE AFTER PROSECUTION IS REOPENED**

This is a preliminary response to the January 25, 2005 office action in which the examiner entered Applicant's October 4, 2004 and November 12, 2004 amendments, and withdrew his November 5, 2004 advisory action to re-open prosecution on claims 1 and 3-7.

The office action, page 2, states that claims 1, 3-5 "are rejected under 35 U.S.C. 103(a) as being unpatentable over Wepf in view of Krecke." The form PTO-892 attached to the office action does not list the "Krecke" reference. So it is impossible to determine if "Krecke" is a U.S. patent document, a foreign patent document, or non-patent document. No copy of the reference was attached to the office action.

Assuming the "Krecke" is a U.S. patent document, 37 CFR 1.104(d)(1) states: "If domestic patents are cited by the examiner, their numbers and dates, and the names of the patentees will be stated." And MPEP § 707.05(e)(I) states: "If a U.S. patent application publication is cited by the examiner, the publication number, publication date, name of the applicant, class, and subclass should

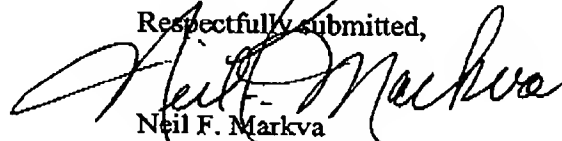
Applicant: Enrique Molina  
Serial No. 09/995,486

Page 2

be cited under the section "U.S. Patent Documents" on the form PTO-892. For U.S. patents, the patent number, patent date, name of the patentee, class and subclass should also be cited under the same section."

Applicant is unable to respond to the outstanding office action until he is knows the identification of the "Krecke" reference. For this reason, proper citation of the reference is requested with a new mailing date, and resetting of the response period is respectfully requested.

Respectfully submitted,



Neil F. Markva  
Attorney for Applicant